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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/259,852

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MITCHELL A. MARKOW

P98-2401

5769

7590

05/03/2006

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EXAMINER

MEI, XU

ART UNIT

PAPER NUMBER

2615

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/259,852

Applicant(s)

MARKOW ET AL.

Examiner

Xu Mei

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02/14/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24-38 is/are allowed.
- 6) ☒ Claim(s) 1,3-10,12-16,18-23 and 39-44 is/are rejected.
- 7) ☒ Claim(s) 2,11 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. This communication is responsive to the applicant's response dated 02/14/2006.

IMPORTANT NOTICE

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2615.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-5, 8-10, 13, 14, 16, 18 and 22-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Gordon (US-

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5,884,156).

Regarding claims 1 and 8, Gordon discloses a computer system (see Figs 1, 3-4, communication device 10 is considered as a computer system since it's including a microprocessor for processing input and output signals) comprising: a chassis (housing) that encloses at least one microprocessor (Fig. 3, microprocessor 30), the chassis or housing having a rear wall 14 with an outer face which faces away and opposite from a user during normal use; and an elector-acoustic transducer or driver (speaker 18) mounted in the chassis and wherein the speaker is mounted to the rear wall or rear panel (see col. 3, lines 5-8). The microprocessor 30 is inherently a processing card that including sound processing property (i.e., volume control, for example) for processing input and output audio signals.

Regarding claim 10, the circuitry of Fig. 4 would have inherently including RAM for read/write and processing functions of the microprocessor.

Regarding claims 3-4 and 14, see speaker 18 being mounted to the center of the rear wall (see Fig. 3); and front speaker 16 is the being mounted to a front panel of the housing and having front wall perforations for providing acoustic leakage (see Fig. 2).

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Regarding claims 5 and 13, the acoustic speaker 18 output signals would inherently including wall-effect for providing acoustic spatial impression when the computer system is being used inside a room has walls.

Regarding claim 9, the speaker 16 can be read on as an external speaker that is in connection with the computer system.

Claims 16, 18 and 22-23 are similar to claims 1, 3-5 except for being couched in method terminology; such methods would be inherent when the structure is shown in the references.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon as discussed in claim 1 above, in view of Koyama et al (US-5,581,621).

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Regarding claims 20-21, the computer system of Gordon does not specifically including an equalizer and gain staging for the computer system. Koyama discloses a programmable equalizer for automatically adjusting the frequency response and amplifier gain (i.e., gain staging) of an audio system by divides an audio signal into number of frequency bands and selectively amplifies and attenuates each frequency band to achieve a desired sound quality (see Fig. 2, element 21 and col. 1, lines 31-44). It would have been obvious to one of ordinary skill in the art to modifies the computer system of Gordon by includes an programmable equalizer, as taught by Koyama, for automatically adjusting the frequency response and amplifier gain of the computer system by divides an audio signal into number of frequency bands and selectively amplifies and attenuates each frequency band to achieve a desired and improved sound quality for the computer system.

6. Claims 7, 15 and 39-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon as discussed in claim 1 above, in view of well known prior art.

Regarding claims 7, 15 and 39-43, the computer system of Gordon does not specifically including a long throw speaker or driver has a throw length greater than 10 percent of its minimum

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cone diameter. However, long throw speaker or driver is old and well known in the audio art for providing high quality audio output for high frequency audio signals with specific defined throw length of the speaker or driver. It would have been obvious to one of ordinary skill in the art to utilize an old and well known long throw speaker or driver for the computer system of Gordon in order to providing high output for high frequency audio output signals as desired.

7. Claims 6, 12, 19 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon as discussed in claims 1, 10, 16 and 39 above, in view of well known prior art.

Regarding claims 6, 12, 19 and 44, Gordon does not specifically mention the speaker or driver has a specific 'quality factor' in the range of 0.65 to 0.8 as claimed. However, such claimed speaker or driver quality factor is notoriously well known in the art of speaker and circuit design for the purpose of obtaining desired quality sound/audio output. It would have been obvious to one of ordinary skill in the art to design and provide speaker having specific quality factor for the speaker or driver as shown by Gordon in order to generate high quality audio outputs.

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8. Claims 2, 11 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claims 24-38 are allowed.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xu Mei whose telephone number is 571-272-7523. The examiner can normally be reached on Monday-Friday (9:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax

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phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Xu Mei
Primary Examiner
Art Unit 2615
04/25/2006